

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff-Respondent,

v.

CIV 05-0630 JP/KBM
CR 03-2570 JP

FILBERTO GONZALES-ARROYO,

Defendant-Movant/Petitioner.

**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED
DISPOSITION**

The Magistrate Judge filed her proposed findings on June 6, 2007 and recommended that the that the § 2255 petition be dismissed as time-barred and, alternatively, as without merit. *See Doc. 18.* The proposed findings notify Petitioner of his ability to file objections and that failure to do so waives appellate review. To-date, Petitioner has not filed any objections and there is nothing in the record indicating that the proposed findings were not delivered.

Wherefore,

IT IS HEREBY ORDERED THAT:

1. The Magistrate Judge's Proposed Findings and Recommended Disposition (*Doc. 18*) is ADOPTED;

2. The § 2255 petition is dismissed **with prejudice**; and
3. A final order enter concurrently herewith.



James A. Parker
SENIOR UNITED STATES DISTRICT JUDGE